

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANE SULLIVAN and P. POES 1-75,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

THE UNIVERSITY OF WASHINGTON, a
Washington public corporation; ELIZA
SAUNDERS, Director of Public Records and
Open Public Meetings at the University of
Washington, in their official capacity,

Defendants.

NO.

**DECLARATION OF
JANE SULLIVAN
RE: PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER**

DECLARATION OF JANE SULLIVAN

I, Jane Sullivan, declare as follows:

1. Since 2015, I have served as Chair of the University of Washington's Institutional Animal Care and Use Committee ("IACUC"). I make this declaration based on my personal knowledge.

2. Every institution that accepts government funding for research involving the use of animals is required by federal law to have an IACUC that reviews, approves and monitors all proposed projects that include vertebrates or cephalopods (e.g., octopuses). IACUCs are responsible for ensuring that animals receive the care, treatment and respect they deserve as critical

1 components of biomedical research to find cures for diseases and conditions that afflict both
2 humans and animals.

3 3. The IACUC must comply with a broad variety of state and federal laws, guidelines
4 and policies, and is itself subject to inspection by the US Department of Health and Human Services
5 and the US Department of Agriculture.

6 4. Our monthly IACUC meetings are open to the public. Members of the public are
7 also given an opportunity at each meeting to make a two-minute statement. With pandemic
8 conditions moving us to a virtual format in 2020, we now routinely have members of the public
9 joining us on Zoom from across the country.

10 5. Many of the individuals who offer public comments at IACUC meetings are
11 opposed to the use of animals in research, and some are actively engaged in efforts to shut down
12 animal research at the University of Washington through tactics that include targeting the IACUC.

13 6. Our members are deeply committed to the humane care of animals, and we take our
14 responsibility very seriously. It can be extremely disturbing for us to be targeted for insults and
15 intimidation by members of the public during their statements to the committee.

16 7. We are aware that other individuals associated with animal research at the
17 University of Washington have received harassing emails, letters and voice messages, some
18 including threatening language. Two have been picketed by animal extremist protests at their
19 homes. Across the country, individuals who work with animals in research have been harassed and
20 threatened.

21 8. For these reasons, due to security concerns, IACUC members currently are
22 identified only by initials online and in our publicly posted meeting minutes. Federal regulations
23 require that only two members of the IACUC, the chair and the lead veterinarian, be identified by
24 name in federal regulatory reports.

1 9. Many University of Washington IACUC members and alternates have expressed
2 concerns to me about their personal safety, as well as the safety of the people and animals they live
3 with, if their names are released.

4 10. In approximately the past year, the University of Washington has received multiple
5 public records requests for documents that include the names of IACUC members and alternates.
6 Attached as Exhibit A is a **redacted** true and correct copy of the email I received from the
7 University of Washington dated February 9, 2022, stating that the University will release copies of
8 the committee “appointment letters” unless it receives a court order directing otherwise by
9 February 24, 2022. The original February 9 email contains the names/email addresses of IACUC
10 members and has been redacted to protect their identities.

11 11. Attached as Exhibit B is a true and correct copy of the relevant public records
12 request as it was provided to me by the University of Washington.

13 12. The “appointment letters” at issue in this case contain several types of personally
14 identifying information of IACUC members (and alternates). All such letters contain names and
15 email addresses, and many also include individuals’ degrees, titles, departmental affiliations, and
16 other related contact information.

17 13. I believe that the release of IACUC members’ names will have a profound negative
18 impact on our ability to function as a committee. I am concerned about our ability to recruit and
19 retain members—who all serve voluntarily—as well as our willingness to speak freely about
20 sensitive topics related to the use of animals in scientific research.

21 14. As far as I am aware, the University of Washington so far has failed to notify a
22 number of former members and alternates of the IACUC of the potentially impending release of
23 their information, and many of these individuals may currently be unaware of this situation.

24
25 I declare under penalty of perjury of the laws of the United States that the foregoing is true
26 and correct, and that I executed this declaration on February 22, 2022, at King County, Washington.

s/ Jane Sullivan
JANE SULLIVAN

DECLARATION OF JANE SULLIVAN
RE: MOTION FOR TEMPORARY RESTRAINING ORDER - 4
SULLIVAN ET AL. v. UNIVERSITY OF WASHINGTON ET AL.
NO.

GOLDFARB & HUCK
ROTH RIOJAS, PLLC
925 Fourth Avenue, Suite 3950
Seattle, Washington 98104
(206) 452-0260

Exhibit A

From: [PUBLIC RECORDS OFFICE](#)
To:

Cc: **[RECIPIENTS REDACTED]**

Subject: Public Records Request PR_2021_000141 (Jones-Engel)
Date: Wednesday, February 9, 2022 1:33:41 PM
Attachments: [Request PR_2021_000141 \(Jones-Engel\).pdf](#)

February 9, 2022

Re: Public Records Request PR_2021_000141 (Jones-Engel)

Dear IACUC Committee Members et al.:

The University of Washington has received the attached request for records under the Washington State Public Records Act. Pursuant to RCW 42.56.540, we are providing this notice to you, as a person to whom at least some of the responsive records pertain.

The University intends to release the requested records on February 25th, 2022. Under the Public Records statute, individuals may seek a court order to enjoin the University from releasing certain records.

If you intend to seek a court order, you have until 4:00 pm on February 24th, 2022, to obtain one and to notify this office by providing us with a copy of the signed order.

If you are represented by legal counsel in this matter, please have your attorney contact the University's lawyer, Nancy Garland, at 206.543.4150. If this office is not provided with a court order enjoining release of the records by 4:00 pm on February 24th, 2022, the University will release the documents on February 25th, 2022.

Sincerely,

Jade McNallan
Compliance Analyst
UNIVERSITY OF WASHINGTON
Office of Public Records and Open Public Meetings
Mail: Roosevelt Commons-Box 354997, Seattle, WA 98195
Street: 4311 11th Ave NE, #360
206.543.9180 fax 206.616.6294
pubrec@uw.edu <http://depts.washington.edu/pubrec/>

Exhibit B

PUBLIC RECORDS OFFICE

From: Dr. Lisa Jones-Engel <LisaJE@peta.org>
Sent: Thursday, June 24, 2021 10:40 AM
To: PUBLIC RECORDS OFFICE
Subject: IACUC appointment letters

Follow Up Flag: Follow up
Flag Status: Flagged

June 24, 2021

Eliza A. Saunders, Director
Public Records and Open Meetings
University of Washington
4311 11th Ave NE Suite 360
Box 354997
Seattle, WA 98105

Via email: pubrec@uw.edu

Dear Ms. Saunders,

This request for public records is made on behalf of People for the Ethical Treatment of Animal (PETA), pursuant to Washington's Public Records Act, Wash. Rev. Code Secs. 42.56.001 to 42.56.904.

For the period from Jan 1, 2014, to the present, I am requesting copies of all of the Institutional Animal Care and Use Committee appointment letters that institutional officials have created or produced. -

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

PETA is prepared to pay a reasonable search and duplication fee for the fulfillment of this request up to the amount of \$50.00, but kindly asks that such fees be waived in light of our non-profit status and the fact that the records in question are of considerable public interest. If the aforementioned request for a waiver or reduction of fees is denied and fees are expected to exceed \$50.00, please notify me to this effect by phone (206-372-6190/907-855-1767) or via email before this request is processed.

Thank you for your attention. I look forward to your response.

Sincerely,

Lisa Jones-Engel, PhD
Senior Science Advisor, Primate Experimentation
Laboratory Investigations Department
People for the Ethical Treatment of Animals
LisaJE@peta.org
206.372.6190